

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
PATRICIA CUMMINGS,

Plaintiff,

Docket No.  
19-cv-07723 (CM) (OTW)

-against-

THE CITY OF NEW YORK; NEW YORK CITY DEPARTMENT OF EDUCATION; CITY OF NEW YORK OFFICE OF SPECIAL INVESTIGATIONS; NYC MAYOR BILL de BLASIO; GIULIA COX; COURTNEY WARE; BEN CHAPMAN; NEW YORK DAILY NEWS; DR. ANDRE PERRY; THE HECHINGER REPORT a/k/a HECHINGER INSTITUTE ON EDUCATION AND THE MEDIA; LENARD LARRY McKELVEY a/k/a CHARLAMAGNE THA GOD; WWPR-FM (105.1 MHZ); iHEARTMEDIA; CLEAR CHANNEL COMMUNICATIONS, INC.; NEW YORK STATE SENATOR, KEVIN S. PARKER; COUNCILMAN, JUMAANE D. WILLIAMS; COUNCILMAN, DANIEL DROMM; COALITION OF EDUCATIONAL JUSTICE; ANGELMARTINEZ; NATASHA CAPERS, and  
“JOHN DOE AND JANE DOE # 1-100” said names being fictitious, it being the intent of Plaintiff to designate any and all individuals, officers, members, agents, servants, and/or employees of the aforementioned agencies owing a duty of care to Plaintiff, individually and jointly and severally,

Defendants.  
-----X

**DECLARATION OF THOMAS F. LIOTTI**  
**IN OPPOSITION TO DEFENDANT, NEW YORK STATE SENATOR,**  
**KEVIN S. PARKER’S MOTION FOR JUDGMENT ON PLEADINGS**  
**PURSUANT TO FED. RULE OF CIV. PROCED. 12 (c)**

THOMAS F. LIOTTI, ESQ., hereby declares pursuant to 29 U.S.C §1746:

1. I am the principal attorney with the Law Offices of Thomas F. Liotti, LLC, attorneys for the Plaintiff, PATRICIA CUMMINGS (“Plaintiff”), and I am admitted to practice in this Court. As such, I am fully familiar with the facts and circumstances of this matter.
2. I submit this Declaration together with the Plaintiff’s Memorandum of Law in Opposition to Defendant, New York State Senator Kevin S. Parker’s (referred to as, “Senator Parker,”

“Defendant, Senator Parker,” or “Defendant”) Motion for Judgment on the Pleadings pursuant to Federal Rule of Civil Procedure 12 (c); and for such other and further relief as this Court deems to be just and proper.

3. I have attached the following Exhibits, which are referenced in the accompanying Memorandum of Law in Opposition:

- Exhibit A: Redacted Copy of Office of Special Investigations Investigative Report (OSI);
- Exhibit B: Rebuttal correspondence addressed to Community Superintendent Maribel Torres-Hulla dated October 5, 2018;
- Exhibit C: Copy of the Plaintiff’s Verified Complaint dated May 15, 2019.

4. The Plaintiff was a probationary New York City Public School Teacher at The William W. Niles School - Middle School 118, Community School District 10, in Bronx County, New York. She seeks damages related inter alia to the infliction of defamation, reverse discrimination, denial of due process, severe emotional, psychological, and physical distress, loss of reputation, loss of income, and expenses upon her, and the erroneous termination of her employment as a New York City school teacher.

5. As result of what was fallaciously reported concerning an alleged complaint made by a parent of a student regarding a lesson taught by the Plaintiff in her social studies class on the Middle Passage, the Plaintiff subsequently and unwillingly became the subject of a front page false accusations her of being a “racist” and “*making black students lie face down on the floor of her class*, and asking them ‘*[H]ow does it feel to be a slave?*’” As a result, this fabricated and erroneous set of “facts” was picked up by the media worldwide and transmitted to various news outlets and appeared online and in media all over the world.

6. The arguments proffered by the Plaintiff in the accompanying Memorandum of Law sufficiently dispute Senator Parker’s attempt to argue that judgment on the pleadings is appropriate and that the complaint should be dismissed as to him.

7. Based on the foregoing the relief requested by the Defendant, Senator Parker, should be denied in its entirety; and such other and further relief should be granted to the Plaintiff, as to this Court may seem just and proper.

I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: Garden City, New York  
December 19, 2019

  
THOMAS F. LIOTTI (TL4471)